

The Japanese mining regulations

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THE
JAPANESE MINING
REGULATIONS.

TRANSLATED FROM THE ORIGINAL
JAPANESE TEXT

BY

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PREFACE.

JAPAN is comparatively rich in mineral wealth, gold, silver, copper, etc., having been extensively mined for several centuries past. In modern times, coal, petroleum, sulphur, and other minerals, have been gradually discovered and are surely destined to become a considerable source of wealth to this country.

Unmined minerals have been owned by the State from remote ages irrespective of the ownership of the land. They have been either mined by the governments of successive generations or else official privileges to mine have been granted to persons who have been induced to undertake the work. Under these circumstances there were, previous to the Restoration, but few regulations relating to mining though there existed in former times institutions and customs relating thereto. Leaving these ancient and obsolete customs out of account, the following is a brief sketch of legislation relating to mining subsequent to the commencement of the Meiji era.

By Notification No. 177, issued by the Executive Authorities in February of the 2nd year of Meiji (1867), the opening of private mines was formally allowed. At that time the gold mines in Sado and the silver mines in Ikuno, Tajima Province, were under the direct control of the old Shogunate Government, mining being carried on officially; while the copper-

mines in Besshi, Iyo Province, were being worked by Mr. Sumitomo, a merchant of Ōsaka, who had been ordered to exploit them by the Shogun's Government. These mining operations were a source of considerable revenue to the Shogunate.

The mines which were within the provinces of various *Daimyō* were worked by the authorities of the respective provinces or by people who undertook the work by order of the *han* (clan) authorities, who made it a source of their revenue. Simultaneously with the Restoration, however, mining rights were restored to the Imperial Government and mining was freely permitted to persons who paid a certain amount of royalty on their operations. There was at this time no definite law on the subject, mining rights were still practically in the hands of the *han* (clan) authorities, and the way in which mining operations were conducted under their control was fearful and wonderful in the extreme. It was virtually impossible to issue general mining regulations for controlling the mining industry of the Empire so long as the clan governments lasted, but when in 1871 the *han* (clan) governments were abolished and the *Ken* (prefectural) system was adopted, all the mines in the country became in theory the property of the Central Government.

On the 27th of March 1872, Rules relating to Mines were issued by the *Dajōkwan* (Council of State) as Notification No. 100. These rules, considered in the light of present experience, were indeed crude and imperfect, but they formed the embryo of the present mining regulations. Some extracts from the provisions of this Notification are quite curious and may be of interest and I therefore annex them :—

“ Persons engaged in mining should, to commence with, know what minerals are. All kinds of inorganic substances (things that are without life) are called minerals. There are two kinds of inorganic substances. One called metallic (embracing gold, silver, copper, lead and other metals); the other called non metallic (embracing coal, sulphur rock, salt, precious stones, etc., but not metals). Both are minerals, and all these minerals are the property of the Government. The Government alone has therefore the right to mine them. Under these circumstances all minerals belong to the Government no matter in what mine they are found and irrespective as to whom the land in which they are found belongs, or whether minerals be found on the surface of or in the bowels of the earth, and under no circumstances are they the private property of land-owners. Provided that ordinary earth and stones are not necessarily included as minerals, and land owners may therefore dig them out at their pleasure.”

“ As above stated, all minerals now belong to the Government. People engaged in mining in all *fu* and *ken* are therefore all working under contract with the Government. There is no ground for believing that the mines they have contracted for can be made the object of mortgages for private debts. Provided that those who intend to contract loans by pledging as security the right of undertaking the contract for a period of years contracted for must obtain the approval of the local authorities. All loans for which such approval is not obtained shall be deemed as having no connection with mines even though legal action be brought in

"connection with the loans."

"It is positively forbidden to contract loans
"with foreigners giving as security the right of
"undertaking the contract for mining."

The provisions quoted above clearly established the principle of State ownership of minerals and of granting no mining rights to foreigners.

Subsequently, in July 1873, another set of regulations called the "*Nippon Kōhō*" (Japan Pit Law) were promulgated by the *Dajōkwan* as Notification No. 259.

In January 1875, No. 2 Notification was issued by the *Dajōkwan* by which the tax on mining products mentioned in Chapter VIII. of the "*Nippon Kōhō*" was abolished.

In April 1876, the *Dajōkwan* issued Notification No. 49, by which it was provided that in case persons engaged in mining were declared bankrupt they should be suspended from doing work until they had been "summarily dealt with."

Again in October 1879, Notification No. 14 was issued by the Public Works Department by which the names of trial digging (*shikutsu*) leasing of mining areas (*shakku*) and opening of mines (*kaikō*) as applied to persons engaged in the collection of dust iron and dust gold were abolished and changed to collection (採取). It was at this time that the Regulations for the collection of dust minerals (砂鑛) were first made independent of the provisions governing general mining business.

In September 1881, revisions and additions were made in Chapter VIII. of the "*Nippon Kōhō*" by issuing Notification No. 49 by the *Dajōkwan*.

In August 1882, Notification No. 38 was issued by the *Dajōkwan* by which additions were made in No. 9 in Chapter III. of the "*Nippon Kōhō*" (Japan Pit Law); and again in July 1890, Law No. 55 was issued by which revisions were made in Chapters II., III. and V. of the same law.

In spite of these revisions the "*Nippon Kōhō*" was practically in force for eighteen years—from 1873 until September, 1890—when it was entirely repealed by Law No. 87, and Mining Regulations (鑛業條例) were established, portions of which were revised by Law No. 74 issued in March 1900. These are the regulations at present in force.

With regard to the draft of the proposed new Mining Law, which will be found on page 43, this was published in the *Official Gazette* (Kwampō) on Wednesday, 5th March, 1902, after it had been submitted to the Diet. Since its publication nothing has been done and the new measure has not yet been passed, but it is thought that a translation will be acceptable as a reference showing the tendency of Mining legislation in Japan.

In order that no misapprehension may occur, it must be remarked that while only Japanese subjects are allowed to carry on mining operations, the law provides that companies duly formed in accordance with the laws of the Japanese Empire may engage in mining; and as there is nothing to prevent foreigners from forming such companies in this country it will be seen that while as individuals they could not engage in mining they can collectively (in the form of a juridical person) undertake mining works subject to the regulations at present in force. It seems

rather a pity that the right of mining was not secured to individuals by a special provision of the Treaties, as there are quite a number of minerals which could be turned to account if individual foreigners were enabled to hold mines in their own proper names without having recourse to the legal fiction of a juridical person. It is to be hoped that this matter will not be overlooked by the foreign negotiators of the next Treaty signed with Japan.

THE TRANSLATOR.

JAPANESE MINING REGULATIONS,

(NOW IN FORCE.)

Translated by J. E. de BECKER.

Issued on September 25th, the 23rd year of Meiji
(1890) by Law No. 87.

Partly revised by Law No. 74 issued in March
the 33rd year of Meiji (1900).

JAPANESE MINING REGULATIONS.

CHAPTER I.—GENERAL RULES.

Art. I.—The word mining in this law embraces all such undertakings as prospecting for and mining mineral ores and all operations ancillary thereto.

Art. II.—All unmined minerals are the property of the State.

The minerals which come within the scope of this law are:—

Ores of Gold (alluvial gold excepted), silver, copper, lead, bismuth, tin (alluvial tin excepted), antimony, mercury, zinc, iron (sedimentary iron ores excepted), iron pyrites, chrome iron, manganese, arsenic, phosphates, graphite, coal, lignite, petroleum oil, asphalt and sulphur.

Art. III.—No persons *other than subjects of the Empire or companies duly formed in accordance with the laws thereof* may engage in mining operations in Japan.

Art. IV.—Officials of the Mining Bureau and Offices for the Control of Mines in the Department of Agriculture and Commerce are not

permitted, while in office, to engage in mining ; neither are they allowed to become partners in mining enterprises nor shareholders or officials of mining companies.

Art. V.—Miners, whose mining privileges have been cancelled in accordance with these regulations are debarred from making application for mining in respect to the same mining area for one year.

Art. VI.—When two or more than two persons are jointly engaged in mining they shall appoint from among themselves a sole representative and notify the appointment to the Office for the Control of Mines having jurisdiction.

Sole representatives shall be deemed to represent all the persons jointly engaged in mining vis-a-vis the Government in matters relating to their mining business.

Art. VII.—Reports relating to changes in the personnel of persons jointly engaged in mining, sale and purchase, transfer and pledge or mortgage of the right of mining and the cessation of business shall be signed by the sole representative and at least more than half of the persons jointly engaged in the mining business.

CHAPTER II.—PROSPECTING AND MINING.

Art. VIII.—Persons wishing to prospect for ores shall send in an application to that effect to the Chief of the Office for the Control of Mines having jurisdiction together with a map of the locality where it is desired to prospect, and shall obtain official permission from such office.

Art. IX.—The term for prospecting is limited to one year calculated from the date of permission.

When circumstances exist which make it difficult for prospectors to complete the work within the period specified in the foregoing paragraph, they may make application for an extension of the term to the Chief of the Office for the Control of Mines having jurisdiction.

Should the Chief of the Office for the Control of Mines having jurisdiction consider, after due investigation, that the circumstances are unavoidable he may grant permission for the extension of the term for a period not exceeding one year.

Art. X.—Mineral ores acquired while prospecting may be sold on obtaining permission from the Chief of the Office for the Control of Mines having jurisdiction.

Art. XI.—When mineral ores are sold in accordance with the preceding article, one per cent. of the proceeds of the sale shall, within thirty days, be paid to the Office for the Control of Mines having jurisdiction.

Should the payment mentioned in the foregoing paragraph be not made within the specified term, the defaulter will be dealt with in accordance with the Law for Dealing with Persons Failing to pay National Taxes.

Art. XII.—Persons wishing to obtain mining privileges shall send in an application to that effect through the Office for the Control of Mines having jurisdiction, addressed to the Minister of Agriculture and Commerce together with a map of the mining area.

Should it be difficult to hand in the application for mining and map of the mining area at the same time, the application alone may be sent in subject to the production of the map of the mining area within fifty days from the date of application. Should the map not be handed in within the specified period of time, the application will become null and void.

Art. XIII.—Persons applying for mining privileges must prove the existence in the locality of the proposed mining area of the minerals which it is intended to mine.

Art. XIV.—When the Chief of the Office for the Control of Mines deems it necessary to make an actual inspection for confirming the existence of the minerals indicated, he shall cause the applicant for mining to deposit in advance

travelling expenses and daily allowances (in accordance with the official regulations) to cover the cost of despatching an official to conduct such investigation.

Should the applicant for mining fail to deposit the travelling expenses and daily allowances mentioned in the foregoing paragraph within fourteen days from the date of such notice, his application will become null and void.

Art. XV.—The Office for the Control of Mines shall provide and keep mining registers for the registration of applications for prospecting and mining, to be entered according to the order of application both as to date and time.

Art. XVI.—When two or more than two persons make application for prospecting or mining in respect to the same place, permission will be given in accordance with the priority of application.

If the time of applications is identical, the Chief of the Office for the Control of Mines shall give notice to that effect to the applicants. The applicants shall within sixty days from the date of such notice, consult together as to which of them shall be regarded as the successful applicant. Should they not be able to arrive at any decision regarding the matter, their applications will become null and void.

If the time of application is identical, and if the applications are some for prospecting and some for mining, preference shall be given to applications for mining.

Art. XVII.—When the Minister of Agriculture and Commerce deems it proper to grant permission, a formal mining license shall be delivered to the applicant.

Art. XVIII.—When the work of prospecting or mining is found to be injurious to the public welfare, applications will not be granted in the case of prospecting by the Chief of the Office for the Control of Mines, having jurisdiction, and in

that of mining by the Minister of Agriculture and Commerce.

Art. XIX.—When prospecting or mining proves to be injurious to public welfare the Chief of the Office for the Control of Mines having jurisdiction in the case of prospecting, and the Minister of Agriculture and Commerce in that of mining may cancel permission or privileges already granted.

Should the miner be dissatisfied with the cancellation, he may lodge a complaint with the Court of Administrative Litigation within thirty days from the date of receipt of notice, provided that no claim for compensation for loss or damages can be made.

Art. XX.—The right of mining minerals, for which privileges have been granted, can be bought, sold, transferred, pledged, or mortgaged.

When the right of mining is bought, sold or transferred, application signed by both parties shall be made to the Minister of Agriculture and Commerce through the Chief of the Office for the Control of Mines having jurisdiction, and a new certificate made out in the names of the acquiring party be obtained. Sales, purchases or transfers not made in accordance with procedure hereby provided shall be null and void in law. With regard to mortgages created in respect to mining privileges, the documents shall be signed by both parties and shall be recorded in the Office for the Control of Mines having jurisdiction. Mortgages not registered have no legal value.

Art. XXI.—No person may, during the term of a prospecting grant, apply to be allowed to mine the same mineral in a place where another person is engaged in prospecting.

Art. XXII. - When any person wishes to apply for prospecting or mining privileges within the prospecting area already allotted to another person in respect to ores of a different mineral,

he shall procure the consent of the party already engaged in prospecting.

Persons engaged in prospecting shall not refuse the consent mentioned in the foregoing paragraph except in cases where they themselves wish to make application for prospecting or mining, or where it is injurious to the prospecting for minerals for which permission has been obtained.

Art. XXIII.—Persons desirous of obtaining permission to prospect for or mine certain minerals within the mining area belonging to another miner who has not yet obtained the permission for prospecting or mining such identical ores, must obtain the consent of such other miner.

No miner shall refuse the consent mentioned in the foregoing paragraph except in cases where he himself intends to make application for prospecting or mining, or when such work would be injurious to the mining operations in which he is already engaged.

Art. XXIV.—No places within 600 yards in every direction from the Imperial palace, Imperial detached palace, Imperial shrines, Imperial mausoleums, fortresses under military or naval jurisdiction, naval ports, ports of strategic importance, gunpowder factories, gunpowder magazines, and ammunition store houses, can be used for prospecting, mining, or purposes ancillary thereto, provided that in the case of naval ports and ports of strategic importance, this rule shall not apply when the permission of the commanding officer of the station has been obtained.

Art. XXV.—No prospecting or mining is allowed to be carried on in places within 60 yards in all directions (whether at the surface or interior of the earth) from railways, tramways, public roads, rivers and lakes, embankments, marshes and ponds, shrines and temples, cemeteries, public gardens and buildings, unless with the consent of the authorities concerned or owners, provided that the latter cannot refuse their consent when no danger is apprehended.

Art. XXVI.—Miners shall, on or before the 30th of October of the previous year or in the case of first year, within three months from the date on which the privilege for mining has been obtained, make out and submit a yearly programme of mining work to be done to the Chief of the Office for the Control of Mines having jurisdiction, and obtain official sanction.

When the programme mentioned in the foregoing paragraph is deemed to be injurious to the safety of the interior of mines or to be disproportionate to the mining area, the Chief of the Office for the Control of Mines having jurisdiction shall point out to the miners the reasons and cause them to effect amendments in the scheme.

Art. XXVII.—No miners may carry on operations, unless they conform to the programme of the work as sanctioned by the Chief of the Office for the Control of Mines having jurisdiction.

Art. XXVIII.—When a miner fails to hand in the programme of the work or the amendments thereto within the specified term the Minister of Agriculture and Commerce may cancel the mining grant.

Art. XXIX.—If a miner suspends his work for a period of more than one year or if he does not commence work within one year from the date on which the privilege for mining is obtained, the Minister of Agriculture and Commerce may cancel the grant.

Art. XXX.—When the cases mentioned in the two foregoing articles have occurred and default does not lie with the miner, the reasons may be given to the Minister of Agriculture and Commerce within fourteen days from the date of receipt of notice of the cancellation of privileges and a fresh application made. Should the Minister of Agriculture and Commerce refuse to accept them, an action may be brought before the Court of Administrative Litigation within thirty days from the date of receipt of such notice.

Art. XXXI.—Miners shall prepare duplicate copies of drawings of survey of the interior of their mines, one of which shall be submitted to the Office for the Control of Mines having jurisdiction and the other kept at the mining office.

Drawings of survey of the interior of mines mentioned in the foregoing paragraph shall be supplemented every six months according to the progress of the work.

When miners find it necessary to have the drawings of survey of the interior of mines in the adjoining mining area belonging to others certified, they may request the Chief of the Office for the Control of Mines having jurisdiction for such certificate.

Should the Chief of the Office for the Control of Mines consider it necessary for the purpose of certification to despatch an official to the spot to make actual inspection, he shall direct the miners to deposit in advance moneys for travelling expenses and daily allowances in accordance with the official scale.

Art. XXXII.—When a miner has damaged or lost his mining license, an application stating the fact and reason for the issue of a fresh certificate shall be made to the Minister of Agriculture and Commerce through the Office for the Control of Mines having jurisdiction.

Art. XXXIII.—When it is discovered that permission for prospecting has been obtained by fraud or mistake, the Chief of the Office for the Control of Mines having jurisdiction shall cancel the permission. If this is discovered by persons having an interest in the permission, they may, within three months of the date of permission, apply to the Chief of the Office for the Control of Mines having jurisdiction for cancellation of such permission for prospecting.

Persons who are dissatisfied with the decision given by the Chief of the Office for the Control of Mines having jurisdiction in the case of the foregoing paragraph, may lodge a complaint

with the Court of Administrative Litigation within thirty days of the date of such decision.

Art. XXXIV.—When it is discovered that the privilege for mining has been obtained by fraud or mistake, the Minister of Agriculture and Commerce shall cancel such privilege. If the discovery is made by persons having an interest in the privilege, they may, within thirty days of the date on which the privilege was granted, apply to the Minister of Agriculture and Commerce for cancellation of the grant.

Persons who are dissatisfied with the judgment of the Minister of Agriculture and Commerce in the case of the foregoing paragraphs, may lodge a complaint with the Court of Administrative Litigation within thirty days of the date of such decision.

Art. XXXV.—In the case mentioned in Par. 2 of Art. XXII. and Par. 2 of Art. XXIII., if consent is refused without reasons, the persons concerned, and in the case mentioned in the proviso of Art. XXV, if consent is refused without there being any danger, miners may request the Chief of the Office for the Control of Mines having jurisdiction to render a decision in the matter.

Art. XXXVI.—Persons who are dissatisfied with the decision mentioned in the foregoing Article may make application for a judgment to the Minister of Agriculture and Commerce within thirty days of the date of receipt of such decision.

Art. XXXVII.—When miners give up business, a report to that effect shall be made to the Office for the Control of Mines having jurisdiction, and the mining license shall be returned.

Art. XXXVIII.—When the Minister of Agriculture and Commerce has cancelled the privilege for mining in accordance with Art. XIX., XXVIII, XXIX., XXXIV., XLIII., and LXXVI., or when a report of re-cessation of business has been made in accordance with Art.

XXXVII., mortgagees will lose their rights under mortgages created in respect to the right of mining minerals for which the privilege was obtained ; provided, however, that with the exception of cases mentioned in Arts. XIX. and XXXIV., the said privilege shall be granted to the mortgagee without regard to the order of application if he applies for a mining license in respect to the mining area concerned within sixty days.

Art. XXXIX.—Miners shall, in January of each and every year, make a report to the Office for the Control of Mines having jurisdiction, giving the quantity of minerals mined, the quantity of refined products, the quantity of refined products sold and proceeds of sale of same, selling prices, working days and number of labourers employed during the previous year.

Art. XL.—Miners shall prepare books in accordance with forms provided by the Minister of Agriculture and Commerce and shall therein set down particulars as to quantities, selling prices, etc., of refined products turned out.

CHAPTER III.—MINING AREAS.

Art. XLI.—By the term mining area is meant an area of land having specific boundaries within which mining operations are carried on.

The boundaries of mining areas are determined by perpendicular lines and are limited under these to the same measurement as the surface, the boundary lines descending perpendicularly. The extent of one mining area shall be from 10,000 (nearly 9 acres) tsubo for coal and from 3,000 (about 3½ acres) tsubo for other minerals and shall not exceed in either case 600,000 tsubo (about 500 acres).

Art. XLII.—When it is deemed that the position and shape of a mining area under application are different from the position and shape of mineral formations and that consequently they will be injurious to mining interests, the Chief of the Office for the Control of Mines having

jurisdiction shall give notice to that effect to the applicant, ordering him to make amendments.

When the applicant receiving the notice mentioned in the foregoing paragraph fails to hand in an amended application within thirty days from the date of receipt of such notice, his application will become null and void.

Art. XLIII.—When it is deemed that the position and shape of a mining area for which privilege has been obtained are different from those of mineral formations and that consequently they will be injurious to mineral interests, the Chief of the Office for the Control of Mines having jurisdiction shall, after obtaining the approval of the Minister of Agriculture and Commerce, order alterations to be made within a specified period of time less than sixty days. If the alterations are not duly made the Minister of Agriculture and Commerce may cancel the privilege already granted.

Should a miner be dissatisfied with the cancellation of the privilege mentioned in the foregoing paragraph he may bring an action in the Court of Administrative Litigation within thirty days of the date of the receipt of such notice.

Art. XLIV.—When a miner desires to make alteration in the boundaries and position of a mining area in accordance with the shape of mineral formations, an application to that effect addressed to the Minister of Agriculture and Commerce shall be forwarded to the Office for the Control of Mines having jurisdiction. The application should be accompanied by a statement of reasons, an amended drawing of the mining area and mining license.

If the Minister of Agriculture and Commerce deems such alteration necessary, he shall grant a fresh mining license.

Art. XLV.—In case a miner has applied for the alteration of a mining area, if the Chief of the Office for the Control of Mines having jurisdiction deems it necessary to have an actual

inspection made by officials, he shall direct the miner to deposit in advance the travelling expenses and daily allowances according to the official scale.

If the miner does not deposit the travelling expenses and daily allowances mentioned in the foregoing paragraph within fourteen days of the receipt of the notice to make such deposit, his application will become null and void.

Art. XLVI.—Persons wishing to amalgamate or to make partition of mining areas shall apply to the Minister of Agriculture and Commerce through the Office for the Control of Mines having jurisdiction. The application should be accompanied by a drawing of the mining areas to be amalgamated or partitioned, and the mining license or licenses. When there are creditors holding a mortgage over the mining rights in question, the application shall also be accompanied by the consent of such creditors in writing.

When the partition of mining areas takes place the limits mentioned in Art. XLI are not to be infringed.

CHAPTER IV.—EMPLOYMENT OF LAND.

Art. XLVII.—When it is required to make a survey of land belonging to others for the purpose of applying for permission for prospecting or mining, the permission of the Office for the Control of Mines having jurisdiction shall be obtained. In this case no land-owners or persons interested can refuse to permit such survey, but should damage be caused by the survey the person causing the survey to be made shall make compensation.

When a person causing a survey to be made enters land owned by others, he must give previous notice to that effect to the landowners and must carry with him the Permit for Survey.

Art. XLVIII.—When it becomes in the following cases necessary to use land belonging to

others for mining purposes and the miner makes request to borrow it, the landowners or persons interested may not refuse their consent :

For the purpose of making openings of pits ;

For the purpose of constructing depots for piling up minerals, earth and stones ;

For the purpose of making pitways, roads, railways, tramways, canals, drains and reservoirs ;

For the purpose of constructing reducing plants, and buildings necessary for mining.

Art. XLIX.—The landowner or the person interested can refuse to let land in the following cases :—

If the land which it is desired to hire is that mentioned in Art. XXV.

If the hirer of land does not deposit the security money mentioned in Art. L.

Art. L.—The hirer of land shall pay to the lender a reasonable ground rent for the land rented.

The lender of land may cause the hirer to deposit in advance a sum of money not exceeding the taxable value of land as shown in the Land Register, as security for the ground rent.

The ground rent and security money for land which is mortgaged are to be received by the mortgagee.

When damage is caused to the landowner or the person interested by the use of the land, the miner must make reasonable compensation.

When the hirer of land ceases to use the same and has paid in full the ground rent for the period of use, the lender of the land or the mortgagee shall return the security money in exchange for the land.

Art. LI.—When the hirer of land has ceased to use the same, he shall, conformably with the request of the lender of land, restore the land to its original condition and return it. If it is impossi-

ble to restore it to its original condition, the hirer of the land shall make compensation for damages.

Art. LII.—When the hirer of land has delayed the payment of ground rent the lender of the land may recover the land and deduct a sum of money equal to the ground rent in arrear from the security deposited.

When the land mentioned in the foregoing paragraph is about to be returned, if there exist on the surface thereof buildings or other objects and the whereabouts of the hirer of the land is uncertain, a period of time of not less than sixty days shall be determined during which notice to that effect shall be advertised in the local newspaper.

If the hirer of land does not remove the buildings or other objects within the specified period of time, they shall become the property of the lender of the land.

Art. LIII.—When the land has, at the request of the miner, been divided and sold or lent, and owing to this the remainder of the land is injured for use, the miner may be requested to buy or hire the whole of the land. In this case the miner may not refuse such request.

Art. LIV.—When it is the object of the miner to use the land rented for more than three years or when he has already used it for more than that period, the lender of the land may make a demand upon the miner to purchase the said land. In this case the miner may not refuse to accede to such request.

Art. LV.—When no arrangement can be arrived at between the landowner or person interested and the person requesting a survey, or the miner, as to the letting of land, ground rent, security money, amount of compensation for damages or the purchase or selling price of land, the Office for the Control of Mines having jurisdiction may be asked to decide the matter.

If the decision of the Chief of the Office for the Control of Mines having jurisdiction is not

satisfactory, the judgment of the Minister of Agriculture and Commerce may be asked for in the case of hiring of land ; and as to the ground rent, security money, amount of compensation for damages or purchase or selling price of land, an action may be instituted in a Court of Law, in both cases within thirty days from the date of receipt of the decision.

No action can be taken against the judgment of the Minister of Agriculture and Commerce mentioned in the foregoing paragraph.

Art. LVI.—The expenses incurred in making application for the decision of the Chief of the Office for the Control of Mines having jurisdiction or for the judgment of the Minister of Agriculture and Commerce shall be borne in accordance with the legal scale of charges in civil cases.

Art. LVII.—A miner may, though the landowner or the person interested is dissatisfied with the decision given by the Chief of the Office for the Control of Mines having jurisdiction as to the ground rent, security money, amount of compensation for damages or the purchase or selling price, pay money to the landowner or the person interested, or if he refuses to receive it, deposit the same in a public deposit office and use the land.

CHAPTER V.—MINING POLICE.

Art. LVIII.—The following police matters relating to mining business shall be controlled by the Minister of Agriculture & Commerce and shall be executed by Chiefs of Offices for the Control of Mines :—

The safeguarding of the interior of mines and buildings connected therewith ;

The protection of lives of mine employees and of public health ;

The preservation of the earth's surface and protection of public interest and welfare.

Art. LIX.—When danger is apprehended in consequence of mining operations, or when it is deemed that the public welfare may be injured, the Chief of the Office for the Control of Mines having jurisdiction shall order the miner to take precautionary measures or to suspend mining.

When the Chief of the Office for the Control of Mines intends to order a suspension of mining he shall obtain the sanction of the Minister of Agriculture and Commerce except in case of urgency which admits no delay.

Art. LX.—In the case of the first paragraph of the preceding article, if the miner fail to take precautionary measures immediately, the Chief of the Office for the Control of Mines having jurisdiction shall direct the officials and mine employees employed by the miner to carry out the said precautionary measures.

In this case the miner is bound to admonish the official and mine labourers in his employ to take precautionary measures and to bear all expenses incurred.

Art. LXI.—When, after the mining operations are suspended in accordance with Art. LIX. the cause for suspension ceases to exist, the Chief of the Office for the Control of Mines having jurisdiction shall at once cancel such suspension and make a report to that effect to the Minister of Agriculture and Commerce.

Art. LXII.—When the Minister of Agriculture and Commerce has cancelled a mining grant in accordance with these regulations or when the miner has relinquished business, the Chief of the Office for the Control of Mines having jurisdiction shall cause the removal of dwellings and other buildings, etc., erected in connection with the mine within a specified period of time not less than sixty days. If the removal is not effected within the specified time, the buildings, etc., shall become the property of the landowner. Provided that no structure, in the interior and at the entrance of the mines

which are considered by the Chief of the Office for the Control of Mines having jurisdiction to be necessary for the preservation or safety of the interior of the mine shall be removed.

In the case of the foregoing paragraph, if the whereabouts of the mine is uncertain, steps shall be taken in accordance with Par. 2 of Art. LII.

Art. LXIII.—The Minister of Agriculture and Commerce may, by means of Departmental Notification, within the scope of these regulations make by-laws in respect to police matters regarding mines.

CHAPTER VI.—MINE LABOURERS.

Art. LXIV.—The term mine labourers in this law includes all persons of either sex engaged in excavating ores and work ancillary thereto.

Miners shall draw up rules relative to the employment of their mine labourers and obtain the sanction of the Office for the Control of Mines having jurisdiction.

Art. LXV.—In the absence of any special agreement between miners and their labourers either party is at liberty to cancel the engagement by giving fourteen days' previous notice to that effect.

Art. LXVI.—Miners may disengage their labourers at any time in the following cases :—

When they have been sentenced to punishment graver than misdemeanours or acted in a disorderly manner or disobeyed orders.

When they have acted rudely towards the miner or the officers employed by him.

When they are physically incapable of work and consequently unable to attend to their duties.

When mining has been prohibited or relinquished.

Art. LXVII.—Mine-labourers may quit their employment at any time in the following cases :—

When they are physically incapable of attending to their duties.

When they are cruelly treated by the miner or his officials.

When their wages or remuneration agreed upon are not paid to them.

Art. LXVIII.—A miner or his representative shall, at the request of a mine labourer, give to the latter a certificate stating the number of years he has been engaged, his working ability, wages, and the reasons for discharging him.

Should the miner refuse to give the certificate or the labourer find in the certificate matters which he thinks improper, complaint may be made to the officials of the Office for the Control of Mines having jurisdiction, or to the police.

Art. LXIX.—A miner is bound to pay wages in legal currency, no payment in kind being allowed except at the request of the mine labourers themselves.

Art. LXX.—Every miner shall keep a mine labourers' register and enter therein the names, ages, registered domicile, occupation, and the dates of engagement and discharge of the labourers he employs.

Art. LXXI.—The Minister of Agriculture and Commerce may, within the following limits, establish by means of Departmental Notification bye-laws governing the employment of mines labourers :—

To limit the working hours so as not to exceed 12 hours per diem.

To limit the class of work of female labour.

To limit the number of working hours and the class of work of child-labour in respect to children under fourteen years of age.

Art. LXXII.—Miners must give relief to mine labourers in their employment in the following cases. Any rules with regard to granting relief must be approved by the Chief of the Office for the Control of Mines having jurisdiction :—

When a mine labourer receives bodily injuries while in the course of his work and the said injuries have not been caused by his own fault,

a portion of the doctor's fees and other medical expenses shall be contributed by the miner.

In the case of the foregoing paragraph, a reasonable daily allowance shall be paid to a mine labourer while he is under treatment and out of work.

In the case of a mine labourer deceased on account of bodily injuries mentioned in the foregoing paragraph, a portion of the funeral expenses shall be contributed and an allowance be made to his surviving relatives.

In case of receiving bodily injuries mentioned in the foregoing paragraph, when a mine labourer has become crippled or maimed, an allowance for his support shall be given for a stated period of time.

CHAPTER VII.—MINING TAXES AND TAXES ON MINING AREAS.

Art. LXXIII.—Miners shall pay one per cent. of the value of the refined products of their mines as mining taxes, and 30 *sen* per annum for each 1,000 *tsubo* (About $\frac{8}{10}$ acres) of their grant as taxes on mining areas, provided that no tax be levied on any fraction of a thousand *tsubo*.

No mining tax shall be imposed on persons engaged in mining iron ores.

Art. LXXIV.—The value of mining refined products mentioned in the foregoing article shall be determined and notified by the Minister of Agriculture and Commerce taking as a basis the average quotations in the chief markets, provided that in cases where no quotations can be obtained, the price at which the goods are sold will be adopted as a basis of value.

Art. LXXV.—Mining taxes for the previous year shall be paid on or before the 31st March of each and every year, but when the enterprise is abandoned the payment of the tax must be made within sixty days of the date of giving up business.

Taxes on mining areas for one year shall be prepared on or before the 15th of December of the previous year. That for the first year shall be paid within sixty days of the date of granting the privilege for mining for as many months as business is carried on during that year. The tax for the year in which business is abandoned will not be returned.

Art. LXXVI.—When miners fail to pay the mining taxes and taxes on mining areas within the specified time the Minister of Agriculture and Commerce may cancel the privilege for mining. If dissatisfied with the cancellation, action may be brought before the Court of Administrative Litigation within thirty days from the receipt of such notice.

CHAPTER VIII.—PENALTIES.

Art. LXVII.—Offenders against Arts. XXIV. and XXV., shall be punished by a fine of not less than twenty and not exceeding two hundred *yen*.

Art. LXXVIII.—Persons who have engaged in mining without obtaining official permission, or who have obtained such permission by fraud, shall be punished by a fine of not less than fifteen and not exceeding one hundred and fifty *yen*.

Art. LXXIX.—Persons who have prospected without obtaining official permission, or who have obtained such permission by fraud, or who have prospected after the expiration of the term of the permission, shall be punished by a fine of not less than ten and not exceeding one hundred *yen*.

Art. LXXX — Offenders against Art. XXVII. and persons who do not proceed with taking the precautionary measures mentioned in Art. LIX. or offenders against the proviso of Art. LXII. shall be punished by a fine of not less than fifteen and not exceeding one hundred and fifty *yen*.

Offenders against Pars. 1 and 2 of Art. XXXI. shall be punished by a fine of not less than five and not exceeding fifty *yen*.

Art. LXXXI.—Offenders against Art. X. shall

be punished by a fine equal to one-half of the amount of selling price.

Art. LXXXII.—Persons who have concealed the selling price referred to in Art. XI. shall be punished by a fine equivalent to one half of the amount concealed.

Art. LXXXIII.—Persons who have escaped paying taxes by means of false statements re matters to be reported in accordance with Art. XXXIX. shall be punished by a fine equal to three times the amount of the taxes so avoided. For matters not connected with the avoiding payment of taxes, a fine shall be imposed of not less than two and not exceeding twenty *yen*.

Art. LXXXIV.—Persons who do not keep the books referred to in Art. XL. or fail to make entries therein or make false statements shall be punished by a fine of not less than two and not exceeding twenty *yen*.

Art. LXXXV.—Offenders against Par. 2 of Art. LXIV. and Arts. LXIX. and LXXII. shall be punished by a fine of not less than ten and not exceeding one hundred *yen*.

Art. LXXXVI.—Persons who have infringed provisions of Arts. VI., XXXVII., LXVIII. and LXX. shall be punished by a police fine of not less than one *yen* and not exceeding one *yen* and ninety-five *sen*.

Art. LXXXVII.—In the case of Arts. LXXXI., LXXXII., and LXXXIII. if the persons concerned have made voluntary confession, the amount of tax unpaid shall be collected. In this case the parties shall be exempted from punishment.

Art. LXXXVIII.—The provisions of the Criminal Code in respect to lowering of penalties, aggravation of penalties on account of repetition of offences, and several offences committed by the same person do not apply to cases dealt with under these regulations.

When a miner who has committed an offence against these regulations is punishable under their

provisions should he be a minor, *non-compos-mentis*, feeble minded, or deaf and dumb, his guardian shall be punished in his stead.

CHAPTER IX.—SUPPLEMENTARY RULES.

Art. LXXXIX.—Miners engaged in prospecting or lease-holders of mining areas who have obtained permission before the coming into operation of these regulation may engage in prospecting or mining during the period of time for which the permission was obtained.

Art. XC.—Should persons who have already permission to be lease-holders of mining areas prior to the enforcement of these regulations wish to continue mining operations after the expiration of the term of their present leases, they shall make application to that effect in accordance with these regulations before the expiration of their leases.

Art. XCI.—The Minister of Agriculture and Commerce shall establish bye-laws relating to the operation of these regulations.

Art. XCII.—These regulations shall be enforced from the 1st of June of the 25th year of Meiji (1892), and the Japanese Mining Law issued in the 6th year of Meiji (1873) by Notification No. 259 of the Council of State shall cease to have binding force or effect from that day.

Art. XCIII.—When persons who have been constantly engaged in the collection of bismuth ore, chrome iron ore, phosphate ore, lignite, or asphalt prior to the 30th of November of the 32nd year of Meiji (1899) apply for the mining privileges on or before the 30th of June of the 33rd year of Meiji (1900), such privileges shall be granted for those areas only where digging is going on, without regard to the provisions of Art. XVI. and Art. XII. relating to the extent of mining areas.

When the collectors mentioned in the foregoing paragraph apply for the privilege on or before 30th of June of the 33rd year of Meiji (1900), they may continue the collection till the date of

receipt of order regardless of the provisions of these regulations.

Art. XCIV.—Persons applying for mining privileges in accordance with the provisions of the foregoing article are required to obtain the consent referred to in Art. XXII. or XXIII.

Art. XCV.—In case the extent of the mining area for which the privilege is obtained in accordance with the provisions of Art. XCIII. is under 3,000 *tsubo*, the privilege will lose its effect after the expiration of five years.

BYE-LAWS
FOR ENFORCEMENT OF
THE MINING REGULATIONS,
(Now in Force.)

Translated by J. E. de BECKER.

Issued on the 1st day of the 2nd month of the 32nd year of Meiji (1892), by Notification No. 3 of the Department of Agriculture and Commerce.

BYE-LAWS FOR ENFORCEMENT OF
THE MINING REGULATIONS.

Art. I.—Applications, demands, reports, and maps and drawings, relating to mining shall be drawn up separately for each case. Applications relating to mining and the maps and drawings to be attached thereto, for which forms and models are determined by this notification, shall be made in accordance with such forms and models.

Art. II.—Applications, demands, and reports relating to mining which have connection with Art. XIV. of the Law of Registration Tax or the provisions of Imperial Ordinance No. 4 issued in the 32nd year of Meiji (1899) shall be accompanied by a note of payment according to Form No. 12, to which shall be affixed the proper amount of revenue stamps.

Art. III.—When it is difficult to hand in an application for prospecting and the maps and drawings of the prospecting locality simultaneously, the application may be lodged accompanied by rough drawings, subject to the production of the correct ones within fifty days.

Art. IV.—When an application for mining is made unaccompanied by a map of the mining area in accordance with the provisions of Par. 2 of Art. XII. of the Mining Regulations, a rough drawing must be annexed.

Art. V.—Persons wishing to obtain permission to make a survey in accordance with the provisions of Art. XLVII. of the Mining Regulations shall send in a written demand in which should be mentioned in detail the name of the place to be surveyed.

When the demand mentioned in the foregoing paragraph is made and a permit for survey is granted, the Chief of the Office for the Control of Mines shall state in the document of permission the period of time during which it is valid.

If the owner of land to be surveyed or the person interested consents to the survey, it is not necessary to obtain permission.

Art. VI.—Drawings of the rough survey of prospecting localities or of mining areas shall be prepared with the object of determining the position and extent of the land to be applied for.

The drawings of prospecting localities and of mining areas shall be prepared with the object of clearly showing the position, boundary and shape of the land to be applied for.

Art. VII.—The area of land to be applied for shall be divided as nearly as possible into a rectangular form.

If the application for prospecting or mining is to be made by a drawing of the rough survey, immovable bodies must be chosen as the point of survey which may form all the corners of the land to be applied for. If there are no immovable bodies at the points, some immovable bodies near by must be chosen and their bearings on the points of survey must be surveyed.

If the application for prospecting is to be made by means of a drawing of prospecting localities or that for mining by means of drawing of mining arrears, two or more than two conspicuous im-

immovable bodies opposite to one another shall be chosen and made the bases of survey measuring their bearings on the points of survey. If the points of survey correspond to conspicuous immovable bodies, they shall be made the base of survey.

Marked posts of a strong endurable nature shall be erected at the points of survey which shall be made the corners of the extent of land applied for and the number of points of survey shall be marked on the said posts. If the posts correspond to immovable bodies the former need not to be erected.

Art. VIII.—The following particulars shall be clearly shown in the drawings of rough survey prospecting localities, the drawings of rough survey of mining areas, the drawings of prospecting areas, and drawings of mining areas :—

1. Points of base and immovable bodies as well as their names and characteristics.
2. Northern and Southern line and scale.
3. If there are prospecting areas, mining area or alluvial workings within 100 yards of the land applied for, the connection of these with the land applied for.
4. If there exist within or in the vicinity of the land applied for, any of the objects mentioned in Arts. XXIV. and XXV. of the Mining Regulations, such objects.
5. Exposed tops of mineral beds within or near the land applied for and their direction and incline.

Art. IX.—Drawings to be annexed to applications for correction of prospecting areas or of mining areas shall be prepared conformably with the drawings of the prospecting areas or of mining areas and in them the old and new areas must be clearly shown.

Art. X.—The extent of prospecting areas shall be in accordance with the provisions of Par. 2 of Art. LXI. of the Mining Regulations.

Art. XI.—Persons wishing to obtain a prospecting area or mining area adjacent to the prospecting area or mining area belonging to other persons, shall make application leaving a space of more than 20 yards between both areas. Provided that this shall not apply to cases where the consent of the miners in the adjoining areas has been obtained, or where an application for mining in a prospecting area is made.

The Chief of the Office for the Control of Mines having jurisdiction may, when he deems it necessary for the control of mining business or protection of mining interests, extend the space referred to in the foregoing paragraph, to 100 yards.

Art. XII.—When applicants for prospecting or mining, persons who are about to become miners in accordance with applications for the transfer of mining licenses, or persons who are becoming new applicants on account of the application for a change in the names of applicants, are two in number, one of them shall be selected as their representative and the fact shall be stated in the application. If not mentioned in the application, the name of the applicant written first in order in the application shall be deemed a representative.

The representative mentioned in the foregoing paragraph shall be deemed to represent all persons jointly making the application except in cases where the cancellation of the application or a change of applicants is made.

Art. XIII.—When a company sends in an application, note of demand or a report, the seal of the Company shall be affixed to the document, which must also be signed by the representative of the company.

Art. XIV.—Persons who have applied for prospecting or mining are not allowed to make an application for a change in the extent of the area applied for.

Art. XV.—When it is desired to change the names of applicants for mining, an application

signed and sealed by both the old and new applicants shall be sent in to the Chief of the Office for the Control of Mines having jurisdiction.

Art. XVI.—When miners whose mining areas are adjacent to each other intend to change their mutual boundaries by increasing or decreasing their respective mining areas in accordance with the provisions of Art. XLIV. of the Mining Regulations, an application for the alteration of mining areas jointly signed by them shall be made. The application should be accompanied by drawings of the combined areas, as they exist at the time of making such application, illustrating the altered boundaries; also drawings of each of the corrected mining areas separately prepared.

Art. XVII.—When an application for the reduction of a mining area is made in case where there is a creditor holding a right of mortgage over the mining right of the area, the application must be accompanied by the written consent of such creditor.

Art. XVIII.—Applications for transfer of mining licenses, applications for correction of mining areas, applications for amalgamation of mining areas, applications for partition of mining areas, applications for registration of mortgages over mining rights, reports of relinquishment of mining business, and applications for granting privileges for mining in accordance with the provisions of Art. XC. of the Mining Regulations, shall be accompanied by a certificate of the mining license or by a deed of lease in respect of lands.

Art. XIX.—Applications for prospecting, applications for mining, applications for correction of prospecting areas, applications for correction of mining areas, applications for extension of the term of prospecting, and reports of the relinquishment of prospecting or mining shall be forwarded through a registered cover.

Persons who send in the above said documents should obtain from the despatching post office a

receipt showing the date and time of acceptance by such post office.

When drawings of prospecting areas or mining areas which are not sent in simultaneously with the application in accordance with the provisions of Art. III. of these regulations or Par. 2 of Art. XII. of the Mining Regulations, or applications or drawings accompanying them, which are ordered by the Chief of the Office for the Control of Mines having jurisdiction in accordance with Art. XXII. or XXIII. to make corrections or additions within a specified time are to be produced, the procedure provided in the last 2 paragraphs shall be followed. Provided that if they are produced on the last day of the term the receipt of registered post shall be sent in within three days.

Art. XX.—The date and time of application for prospecting or mining, correction of prospecting areas, correction of mining areas, as well as application for extension of the term of prospecting, and the date and time of production of the application, drawings as well as report of relinquishment of business mentioned in Par. 3 of the foregoing article shall be decided in accordance with the date and time mentioned in the receipt for registered mail matter issued by the despatching Post Office.

In case the production of the receipt mentioned in Par. 2 of the foregoing article is ordered and if it is not forwarded on or before the specified day, it will be deemed that the documents or drawings were forwarded at the time of closing of the mail as shown on the post mark.

Art. XXI.—When the Chief of the Office for the Control of Mines has accepted an application it shall be notified to the local Governor within whose jurisdiction the land applied for lies.

The local Governor shall, if he holds some views as to the prospecting or mining of the land applied for, send a written opinion to the Chief of the Office for the Control of Mines having

jurisdiction within fifty days of the receipt of the notice mentioned in the foregoing paragraph.

Art. XXII.—When applications, notes of request or drawings relating to mining are imperfect, the Chief of the Office for the Control of Mines having jurisdiction shall order the applicants to make corrections or additions within a specified period of time.

Art. XXIII.—When a part of prospecting or mining areas applied for must not be allowed to be used in mining enterprise according to the Mining Regulations, or conflicts with the prospecting or mining areas of other persons, the Chief of the Office for the Control of Mines having jurisdiction shall order the applicant to correct his application and drawing within a specified period of time. The same holds good re the application for correction of prospecting or mining areas.

Art. XXIV.—The Chief of the Office for the Control of Mines having jurisdiction may, when it is deemed necessary for the purpose of confirming the fact of the existence of minerals in land, for which an application for mining has been made, cause the applicant to produce a certificate relating to the mineral bed or specimens of minerals within a specified period of time.

Art. XXV.—When the Chief of the Office for the Control of Mines deems it necessary to order the taking of precautionary measures for the sake of public welfare, he may cause the applicant for engaging in business, or miners, to prepare and produce a specification of the projected work.

Art. XXVI.—When the applicants for engaging in mining or miners are ordered by the Chief of the Office for the Control of Mines having jurisdiction to produce documents or drawings relating to mining, they shall be sent in on or before the specified time.

Art. XXVII.—Documents, drawings or specimens forwarded to the Minister of Agriculture and Commerce or to the Minister of Agriculture

and Commerce or to the Chief of the Office for the Control of Mines shall not be returned if it be deemed necessary to retain them.

Art. XXVIII.—When applicants for engaging in mining business or miners are ordered by the Chief of the Office for the Control of Mines having jurisdiction to meet for the purpose of making investigations relating to the prospecting area, mining area and other mining matters, they shall meet on the specified day and give explanations as to matters under investigation. The date of meeting can not be changed except for valid reasons.

When issuing an order to appear, at least fifteen days preliminary notice shall be given except for valid reasons. When the date of meeting is determined, at least three days previous notice shall be given. If the applicants for engaging in mining business or miners can not attend in person, they shall send their representatives.

Art. XXIX.—When an application, note, note of request, or report relating to mining corresponds with any of the following items, none of them shall be accepted. In this case the reasons for it shall be clearly given :—

1. When not forwarded by registered post, violating the provisions of Par. 1 of Art. XIX.
2. When the note of delivery of registration tax or fees is not annexed.
3. When application for prospecting or mining application for correction of prospecting area, or application for correction of mining area is not accompanied by drawings, or the extent of land applied for is not clearly shown in the annexed drawings.

Art. XXX.—When application or note of demand relating to mining corresponds with any of the following items, the Chief of the Office for the Control of Mines having jurisdiction shall return the document clearly stating the reasons for his action :—

1. When drawings of prospecting areas are not delivered within the time specified in Art. III.

2. When no corrections or additions are made on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provisions of Art. XXII. or XXIII.

3. When a certificate or specimens are not delivered on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provisions of Art. XXIV.

4. When an applicant does not deliver specifications on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provision of Art. XXV.

5. When, without valid reasons, an applicant does not appear, thus violating the provisions of Art. XXVIII.

6. In the case of making investigations as to the land applied for, if the applicant is unable to clearly indicate the extent of land, or if the extent of the land indicated considerably differs from the drawing attached to the application, or if he is unable to prove the existence of minerals.

Art. XXXI.—When permission for prospecting is given, the number of permit will be marked on the drawing of the prospecting area, and such drawing, together with the copy of the same retained by the Office for the Control of Mines having jurisdiction, shall be sealed so as to leave the impression of half the seal on each drawing, and then handed to the applicant.

When a mining grant is given, the number of the same shall be marked on the drawing of the mining area, and it, together with a certificate, shall be duly delivered to the applicant after sealing such drawing and the copies to be retained by the Department of Agriculture and Commerce and the Office for the Control of Mines having

jurisdiction so as to leave the impression of half the seal on each drawing.

Art. XXXII.—When permission for prospecting or mining is granted, a notice to that effect shall be inserted in the *Official Gazette*.

Art. XXXIII.—When a miner has damaged or lost the drawing granted in accordance with the provisions of Art. XXXI., an application for a re-issue of the drawing may be made to the Chief of the Office for the Control of Mines having jurisdiction.

Art. XXXIV.—Reports relating to the appointment of representatives provided for in Art. VI of the Mining Regulations must be made within thirty days of granting permission for prospecting or mining, or transfer of mining certificate.

Art. XXXV.—When miners do not make a report as to the appointment of representatives within the time specified in the foregoing article, the representatives of applicants specified in Par. I of Art. XII. shall be deemed the representatives specified in Art. VI. of the Mining Regulations.

Art. XXXVI.—When a miner does not superintend the mining operations in person, an agent for the business must be selected and a report to that effect, jointly signed and sealed by the miner and his agent, shall be forwarded to the Chief of the Office for the Control of Mines having jurisdiction.

Art. XXXVII.—A miner's agent shall be deemed to have been entrusted with the following powers, provided that in case the miner has limited the power of attorney a report to that effect shall be made simultaneously with the report of the appointment :—

1. To apply for the extension of the term of prospecting ; to apply for permission to sell minerals obtained during prospecting ; to make payment of the money mentioned in Par. 1 of Art. XI. of the Mining Regulations ; to apply for permission for a scheme of mining business ; to produce a drawing of actual survey of the interior

of mines or to demand the certification re the same; to make reports mentioned in Art. XXXIX. of the Mining Regulations; to prepare books in accordance with Art. XL. of the same Regulations; to demand the decision or judgment mentioned in Art. LV. of the same Regulations; to apply for official approval in respect to the Mine Labourer's Service Regulations and the Regulations for the relief of Mine Labourers; to prepare a Register of Mine Labourers; to pay Mining Taxes and Taxes on Mining Areas; and to apply for privileges for mining in accordance with Art. XC. of the Mining Regulations.

2. To apply for the re-issue of drawings in accordance with the provisions of Art. XXXIII.; to make reports mentioned in Art. XLII. and XLIII.; to make applications or reports mentioned in Art. XIV., XVII., XIX., and XXI. of the Police Regulations relating to Mines.

3. To receive the orders or notices of the Chief of the Office for the Control of Mines having jurisdiction and to carry out the former.

Art. XXXVIII.—Prospectors shall keep the drawings of their prospecting areas, and miners the following documents and drawings at their mine offices :—

1. Map of the mining area.
2. Plan of the mining scheme.
3. Books mentioned in Art. XL. of the Mining Regulations.

Art. XXXIX.—Application for the extension of the term of prospecting shall be made before the expiration of the original terms, and the result of prospecting and the reasons why it is impossible to complete prospecting within the limits of such original term shall be minutely stated.

Art. XL.—Persons wishing to sell minerals in accordance with the provisions of Art. X. of the Mining Regulations shall make an application for permission in which shall be stated the number of permit for prospecting, the name of the pros-

pecting district, and the description, quantity and estimated price of the minerals. Provided that no permission will be given, unless an application for mining at the prospecting area is made or the term of prospecting has expired or the prospecting been abandoned.

Art. XLI.—Projects for carrying on mining reports mentioned in Art. XXXIX. of the Mining Regulations and the books provided for in Art. XL. of the same regulations shall be prepared in accordance with forms Nos. 4 to 6.

In case work is to be jointly carried on in two or more mining areas, the documents mentioned in the foregoing paragraph shall be jointly drawn up.

Art. XLII.—When there is nothing to be reported in accordance with the provisions of Art. XXXIX. of the Mining Regulations, a report to that effect shall be made.

Art. XLIII.—Reports referred to in Art. XXXIX. of the Mining Regulations shall, in the case of relinquishing mining or of transferring the right of mining, be made within thirty days of such relinquishment or transfer, provided that when there is nothing to be reported, a report to that effect shall be made.

Art. XLIV.—Drawings of actual survey of the interior of mines shall be prepared in accordance with Model No. 3, showing the actual condition at the end of June and December and sent in to the Chief of the Office for the Control of Mines having jurisdiction at the end of August and February respectively, provided that the drawing of actual survey of the interior of mines sent in the previous term will be returned to the miner, if required and demanded by him.

In case of a project for combined work, the drawings of actual survey of the interior of the mines shall be prepared in joint form.

Art. XLI.—Persons wishing to obtain a certificate re the drawing of actual survey of the interior of mines in accordance with the provi-

sions of Par. 3 in Art. XXXI. of the Mining Regulations, shall send in a note of demand stating reasons.

Art. XLVI.—Persons wishing to demand a decision of the Chief of an Office for the Control of Mines in accordance with the provisions of Art. XXXV. of the Mining Regulations shall draw up two copies of the note of demand which shall be handed in accompanied by a drawing of the prospecting or mining area to be applied for by the person making the demand. The note of demand should give the name and address of the adversary and reasons for making such demand.

Persons demanding a decision of the Chief of the Office for the Control of Mines in accordance with the provisions of Par. 1 Art. I.V. of the Mining Regulations, shall draw up and send in a written demand together with as many copies of the same as may tally with the number of persons concerned. These papers shall be sent in accompanied by a drawing of the actual survey of the land concerned and a specification of the work. In the note of demand should be mentioned the class and number of the land in question, superficial area, taxable value, the names and address of the adversary, facts of and reason for demand, facts relating to discussion with the adversary and the amount of money offered as payment by the person making the demand.

Persons demanding a judgment of the Minister of Agriculture and Commerce in accordance with the provisions of Art. XXXVI. or of Par. 2 of Art I.V. of the Mining Regulations, shall send in to the Chief of the Office for the Control of Mines having jurisdiction a note of demand prepared in accordance with the provisions of the two foregoing paragraphs, together with a copy of the decision appealed against.

Art. XLVII.—When the Chief of the Office for the Control of Mines has received and accepted a note of demand as mentioned in the

foregoing article, he shall serve the same on the adversary.

When the adversary has received the note of demand, he shall furnish written explanations within thirty days.

When the written explanations are not furnished by the adversary within the term specified in the foregoing paragraph, the Chief of the Office for the Control of Mines or the Minister of Agriculture and Commerce may give a decision or judgment without waiting for the production of such written explanations.

Art. XLVIII.—When a person has become a miner by succession (inheritance) or when a miner has changed his name, he shall obtain a certificate of the fact from the Registrar of Personal Status within thirty days of the date of making to such registrar a report of succession or change of name. He shall then send in the above mentioned certificate to the Chief of the Office for the Control of Mines having jurisdiction, accompanied by the mining grant or lease corrected.

When an applicant for mining dies or changes his name, a report to that effect shall be made in accordance with the foregoing paragraph *mutatis mutandis*.

Art. XLIX.—In the case of a company being an applicant for mining or a miner, when its corporate name is changed, its representative changed, its seat of business removed, or when liquidation take place, a report to that effect shall be made to the Chief of the Office for the Control of Mines having jurisdiction within ten days.

Art. L.—In case it should be necessary to issue an order or notice to applicants for mining or miners, if the address of such applicants or miners is uncertain, the gist of the order or notice shall be advertised on the notice-board of the Office for the Control of Mines having jurisdiction for ten days. In this case it shall be considered that the

order or notice has been duly received by the persons in question on the last day of the term.

Art. LI.—When an action is brought before the Court of Administrative Litigation in accordance with the provisions of Art. XXX., Par. 2 of Art. XXXIII., Par. 2 of Art. XXXIV., Par. 2 of Art. XLIII. or Art. LXXVI. of the Mining Regulations or a complaint is lodged with the Minister of Agriculture and Commerce in accordance with the provisions of Par. 1 of Art. XXXIV. of the same Regulations, a report to that effect shall be made to the Chief of the Office for the Control of Mines having jurisdiction within seven days.

Art. LII.—In case the privilege for mining is cancelled in accordance with the provisions of Art. XXVIII., XXIX., Par. 1 of Art. XLIII. or Art. LXXVI., of the Mining Regulations, or a report of relinquishment of business is made in accordance with the provisions of Art. XXXVII. of the same Regulations, if there are creditors holding a right of mortgage over the mining right concerned, a notice of the cancellation or relinquishment shall be made to them by the Chief of the Office for the Control of Mines having jurisdiction.

Art. LIII.—Prospecting or mining is considered to have been relinquished at the time when a report to that effect is lodged.

Art. LIV.—In any of the following cases miners shall be punished by a fine of not less than two and not exceeding twenty *yen* :—

1. When matters to be mentioned in the drawing of actual survey of the interior of mines are not given or improperly given.
2. In case of an order being given to produce the documents or drawings in accordance with the provisions of Art. XXV. or XXVI., if they are not produced on or before the specified date.
3. When no appearance is made or no explanation of matters under investigation is given in violation of the provisions of Art. XXVIII.

4 When none of the documents or drawings mentioned in Art. XXXVIII. are kept.

5. When no reports are made violating the provisions of Arts. XXXVI., XLII., XLIII., XLVIII., XLIX., LI. and LX. of these Regulations or of Art. XXXIX. of the Mining Regulations.

Art. LV.—Provisions of the foregoing articles shall be applied to an agent for mining business and to representatives of companies.

SUPPLEMENTARY RULES.

Art. LVI.—Applications for prospecting or for the lease of mining areas which have been lodged before the coming into force of these Regulations, but with regard to which no final steps have been taken prior to the enforcement of the present Law, shall be dealt with as if they were applications for prospecting or for mining made in accordance with the provisions of the Mining Regulations.

Art. LVII.—Applications or notes of demand which have been lodged before the coming into force of the Bye-Laws for the Operation of the Mining Regulations, but with regard to which no final steps have been taken before the coming into operation of these Regulations shall be dealt with as if they were applications or notes of demand made in accordance with the present Law.

Art. LVIII.—Applications or notes of demand lodged before the coming into force of these regulations, which bear revenue stamps corresponding to the fees specified in Imperial Ordinance No. 100 (1894) shall remain valid even after the taking effect of Imperial Ordinance No. 4 of the 32nd Year of Meiji (1899).

Art. LIX.—Applications for the alteration of the area of land lodged prior to the coming into force of these regulations shall remain valid even after the taking effect of these regulations.

Art. LX.—When an applicant for mining of

a miner is a company at the time of the coming into operation of these regulations, the Chief of the Office for the Control of Mines having jurisdiction shall be notified as to the representative of such company within thirty days from the date of the enforcement of the present Law.

Art. LXI.—The penal provisions of Notification No. 6 of the Department of Agriculture and Commerce issued in the 27th year of Meiji (1894) shall be applicable to acts done prior to the coming into force of these regulations even subsequent to the enforcement of the latter.

Art. LXII.—These Regulations shall take effect on and after the tenth of February, the thirty-second year of Meiji (1899).

Art. LXIII.—Notification No. 6 of the Department of Agriculture and Commerce of the 27th year Meiji (1894) and Notification No. 7 of the same Department of the 29th year of Meiji (1896) shall be abolished on and from the date of operation of these Regulations.

PROPOSED NEW MINING LAW.

Translated by J. E. de Becker,

AND

Revised by A. R. Weigall, M.Inst.M.M.

The following is the draft of the new Mining Law which was submitted to the Diet in March last year; and as it is likely to become law in its present, or a slightly modified, form, it should be of interest to foreign investors.

CHAPTER I.—GENERAL PROVISIONS.

Art. I.—The expression *Mining* in this law means prospecting and mining for mineral ores including the ancillary operations of reducing same.

The expression *mineral ore* in this law means:—Ores of Gold, Silver, Copper, Lead, Bismuth, Tin, Antimony, Mercury, Zinc, Iron, Iron Pyrites, Chromite, Manganese, Arsenic, Phosphates, Graphite, Coal, Lignite, Petroleum Oil, Asphalt, and Sulphur. It does not, however, include mineral dust (alluvial or sedimentary deposits).

Art. II.—All unmined minerals are the property of the State.

Art. II.—The term *mining right* in this law includes both the right of prospecting and the right of mining.

Persons entitled to a mining right have a right of mining and acquiring, within the limit of their mining areas, the mineral ores in respect to which

they have obtained permission : provided that in case of coincident mining areas, persons entitled to mining rights are mutually limited to the exercise of their respective rights.

Art. IV.—*No persons other than subjects of the Empire, or companies duly formed in accordance with the laws thereof, are entitled to acquire mining rights.*

Art. V.—Rights and obligations determined by this law as appertaining to persons entitled to mining rights are transferred and pass with the mining rights.

Proceedings taken and acts performed in accordance with the provisions of this law are valid as against the successors of persons entitled to mining rights, landowners, and persons concerned.

The provisions of this Article are applicable *mutatis mutandis* both to persons intending to apply, and to persons who have applied, for mining, as well as to their successors.

Art. VI.—When two or more persons jointly carry on, or desire to jointly carry on the business of mining, one of them is to be selected as their representative, and this must be notified to the Chief of the Office for the Control of Mines. When no such notification is made, the Chief of the Office for the Control of Mines shall designate the representative.

The representative represents, *vis-à-vis* the State, persons jointly applying for mining and the persons jointly possessed of mining rights.

Except in cases specially provided for in this law, persons jointly possessed of mining rights shall be considered as having entered into a contract of association.

Art. VII.—The expression *mine laborer* in this law means a laborer employed in mining.

Art. VIII.—The expression *mining area* in this law means an area of land in respect to which mining rights have been registered.

The boundaries of mining areas are determined by straight lines and are limited under these to the same measurement as the surface, the boundary lines descending perpendicularly. The extent of one mining area shall be from 50,000 *tsubos* (about 42 acres) upwards for coal, and from 5,000 *tsubos* (about 4 acres) upwards for other minerals, and shall not in either case exceed 600,000 *tsubos* (about 500 acres); provided, however, that in cases where it is actually necessary for the protection of mining interests, or the division of mining areas, the limit of 600,000 *tsubos* may be exceeded.

Two, or more than two, mining rights may not be created in respect to the same mining area, except when such rights are created in respect to different kinds of minerals, and in the case contemplated in Article 34.

Art. IX.—No place within 300 *ken* (600 yards) in every direction from Imperial Palaces, Imperial Detached Palaces, Imperial Shrines and Imperial Mausolea may be made mining areas.

No places within 300 *ken* (600 yards) in all directions from fortresses under military or naval jurisdiction, naval ports, ports of strategic importance, gunpowder factories, gunpowder magazines, and ammunition store houses, may be made mining areas unless the permission of the competent authorities has been obtained.

No places mentioned in the preceding two paragraphs may be used for mining purposes unless the permission of the respective competent authorities has been obtained.

Art. X.—No mining operation may be carried on in places within 30 *ken* (60 yards) in all directions (whether at the surface or in the interior of the earth) from railways, tracks, public roads, canals, rivers and lakes, marshes and ponds, embankments, the precincts of temples and shrines, cemeteries, public gardens, and all other constructions and buildings; nor may such places be used for mining purposes unless the permission

of the competent authorities, or the consent of the owner or persons concerned, has been obtained.

Art. XI.—The provisions relating to applications for mining are applicable *mutatis mutandis* to applications for the correction, increase or decrease, and revision of land in respect to which application has been made for mining, and to mining areas.

Art. XII.—The expression *mining tax* in this law means taxes imposed on mining areas and on mining production.

Art. XIII.—The provisions of Chapters VI and VIII are not applicable to the mining undertakings of the State.

CHAPTER II.—MINING RIGHTS.

Art. XIV.—Mining rights are to be classed as rights *in rem*, and the provisions relating to immovables (with the exception of the provisions of Par. I of Article 179 of the Civil Code) are applicable *mutatis mutandis* thereto.*

Art. XV.—Mining rights shall be undivisible.

Art. XVI.—Mining rights may not be made the subject of rights other than those of succession, transfer, measures adopted in connection with non-payment of national taxes, and distraint (compulsory execution); but rights of mining may be made the subject of a right of mortgage.

Art. XVII.—The term of a right of prospecting is two years, calculated from the date of recording in the Mining Register.

The term specified in the preceding paragraph cannot be changed on account of any correction, increase or decrease, or revision of the mining area.

* When the right of ownership and some other right *in rem* in respect of the same thing are vested in the same person, the right *in rem* ceases. But this rule does not apply to cases where the thing, or the right *in rem*, is subject to the right of a third person (Civil Code Par. 1 of Article 179).

Art. XVIII.—The creation, alteration, transfer, extinction, attachment, provisional seizure and provisional disposition of mining rights and rights of mortgage shall be recorded in the Mining Register.†

The same applies to the withdrawal of a person jointly entitled to a mining right.

The record mentioned in the preceding paragraph shall take the place of registration.

Rules relating to record will be determined by Order.

Art. XIX.—With the exception of the cases of succession, and of auction specified in Articles 40 and 41, the matters mentioned in Par. 1 of the preceding article shall not be of valid effect unless recorded.

Art. XX.—Persons wishing to engage in mining shall apply to the Chief of the Office for the Control of Mines in respect to prospecting, and to the Minister of Agriculture and Commerce in respect to mining.

Art. XXI.—Persons applying for mining may effect a change in the name of the applicant. In this case, such change shall not be of valid effect unless a notification has been made to the Chief of the Office for the Control of Mines in respect to prospecting, and to the Minister of Agriculture and Commerce in respect to mining.

Art. XXII.—Should the Chief of the Office for the Control of Mines deem land in respect to which application is made for prospecting, suitable for mining, he shall order an application for mining to be made.

In the case contemplated in the preceding paragraph, should no application for mining be made within 60 days from the date of service of the order, the application for prospecting shall not be granted.

† *i.e.* the record in the Mining Register will take place of registration in a Court.

Art. XXIII.—When it is deemed that the position and shape of land in respect to which application is made for mining differs from the position and shape of mineral formations and that consequently they will be injurious to mining interests, the Minister of Agriculture and Commerce shall order an application to be made for amendment thereof.

In the case contemplated in the preceding paragraph, should no application for amendment be made within 60 days from the day of service of the order, the application for mining shall not be granted.

Art. XXIV.—When it is deemed that the position and shape of land in respect to which application is made for mining differ from the position and shape of the mineral formations, and that consequently they will be injurious to mining interests, the applicant for mining may apply for an amendment thereof.

Art. XXV.—Mining applicants may apply for an increase or decrease of the area of land in respect to which application has been made.

Art. XXVI.—In case land, in respect to which an application for prospecting has been made, falls within a mining area belonging to another person at the time of making such application, should it be made for the same kind of mineral, permission shall not be granted in respect to such portion of the land as is coincident with the mining area.

Art. XXVII.—In case land, in respect to which an application for mining has been made, falls within a mining area belonging to another person at the time when such application is made, should it be made for the same kind of minerals, permission shall not be granted in respect to such portion of the land as is coincident with the mining area. The case contemplated in Article 34 is, however, excepted.

Art. XXVIII.—In case land, in respect to which an application for mining has been made,

falls within land under application for prospecting, or a prospecting area belonging to another person, should it be made for the same kind of mineral, the provisions of Par. I. of Article 22 shall be applied *mutatis mutandis* to the coincident portion of the land.

In the case contemplated in the preceding paragraph, should no application for mining be made within 60 days *from the date of service of the order*, the Chief of the Office for the Control of Mines shall either grant no permission for prospecting, or cancel the permission for prospecting.

Art. XXIX.—In case land, in respect to which an application for mining has been made, is coincident with a mining area owned by another person, should it be made for a different kind of mineral, the Chief of the Office for the Control of Mines shall notify the person possessed of the mining right to that effect.

The person possessed of the mining right may himself apply within 30 days *from the date of service of the order* mentioned in the preceding paragraph, for permission to mine such minerals.

The provisions of the preceding two articles do not apply to the case contemplated in Art. 34., or to cases where the previous consent of the person entitled to the mining right has been obtained.

The application mentioned in Par. 1 shall not be granted, if it obstructs the mining operations of other persons.

Art. XXX.—Applications for mining shall not be granted should they be deemed injurious to the public welfare or unworthy of the undertaking.

Art. XXXI.—In the case of coincident prospecting areas, or of coincident mining areas in respect to which application has been made, the person whose application has been despatched earliest shall have the preferential right relative to such coincident portion. When the dates of despatch of applications are identical, the Chief

of the Office for the Control of Mines shall notify each applicant to that effect. In this case, the applicants shall arrange the matter between themselves and make a report to that effect within 60 days from the date of sending such order.

In case applicants do not make the report specified in the preceding paragraph, the person entitled to the preferential right shall be determined by means of drawing lots.

The provisions of this article are not applicable to cases contemplated in Arts. 23 and 24, Par. 2 of Art. 29 and Art. 34.

Art. XXXII.—In case a person applying for permission to prospect makes a further application for permission to mine the same kind of mineral, should the land under application be coincident, the application for mining shall be considered to take the place of the application for prospecting on the date of sending the latter application with regard to such coincident portion of the land under application.

The provisions of the preceding paragraph are applicable *mutatis mutandis* to cases where an application for mining makes a further application for prospecting relative to the same kind of minerals.

The provisions of the preceding two paragraphs do not apply to applications made after the expiration of the term in cases contemplated in Arts. 22 and 23.

Art. XXXIII.—Persons entitled to a right of mining may make application to the Minister of Agriculture and Commerce for the amalgamation or partition of mining areas. The same applies to cases where a portion of a mining area is to be amalgamated with another mining area.

When a right of mortgage has been created, should it be desired to make the application mentioned in the preceding paragraph, the consent of the mortgagee shall be obtained and arrangements made respecting the rank of the right of mortgage.

Art. XXXIV.—Should it be necessary, on account of the position and shape of mineral formations, to dig into a mining area belonging to another person, an amendment of the mining area may be applied for.

Art. XXXV.—The provisions of Par. 1 of Art. XXII., Par. 1 of Art. XXIII., Art. XXIV. and XXV., and Par. 3 of Art. XXXI. are applicable *mutatis mutandis* to mining areas.

In cases corresponding to Par. 1 of Art. XXII. and Par. 1 of Art. XXIII., should no application be made within 60 days from the date of service of the order, cancellation shall be made by the Chief of the Office for the Control of Mines in respect to rights of prospecting and by the Minister of Agriculture and Commerce in respect to rights of mining.

When a right of mortgage has been created, should it be desired to make application for a decrease of a mining area according to Art. XXV., the consent of the mortgagee shall be previously obtained.

Art. XXXVI.—In case an application for mining has been granted in mistake or error, revision of the mining area shall be ordered or cancellation of the mining right shall be made by the Chief of the Office for the Control of Mines in respect to rights of prospecting, and by the Minister of Agriculture and Commerce in respect to rights of mining.

With regard to the revision mentioned in the preceding paragraph the provisions of Par. 2 of the preceding article are applicable *mutatis mutandis*.

Art. XXXVII.—When mining operations are deemed injurious to the public welfare, the Office for the Control of Mines shall cancel the right of prospecting and the Minister of Agriculture and Commerce shall cancel the right of mining.

Art. XXXVIII.—If, without any valid reason, a person entitled to a mining right does not commence operations within one year from the date of

the record in the Mining Register, or if he has suspended operations for more than one year, or if he has not mined in accordance with the scheme of work, the Chief of the Office for the Control of Mines may cancel the right of prospecting and the Minister of Agriculture and Commerce may cancel the right of mining.

Art. XXXIX.—In case a person entitled to a mining right fails to comply with the order specified in Art. 70, the Chief of the Office for the Control of Mines may cancel the right of prospecting, and the Minister of Agriculture and Commerce may cancel the right of mining.

Art. XL.—When a right of mining has been cancelled the Chief of the Office for the Control of Mines shall give immediate notice to any mortgagee thereof.

The mortgagee may, within 30 days from the date of receipt of the notice mentioned in the preceding paragraph, demand that the right of mortgage be put up to and sold at public auction. Cases where cancellation of a right of mining is made in accordance with the provisions of Par. 1 of Art. 36 and Art. 37 are, however, excepted.

Rights of mining shall continue to be valid, until the time mentioned in the preceding paragraph, or the day on which the auction procedure has been completed, so far as the object of the public auction is concerned.

The proceeds of the auction shall be applied to the expenses of the auction and to the repayment of monies owing to the mortgagee; the balance shall revert to the Treasury.

Purchasers by auction shall be deemed to have had the right of mining transferred to them at the time of the cancellation thereof.

Art. XLI.—The provisions of the preceding article are applicable *mutatis mutandis* to cases where a person possessed of a right of mining has relinquished his business.

Art. XLII.—Persons possessed of mining rights shall hand in a scheme of intended operations to

the Chief of the Office for the Control of Mines as determined by Order. The same is applicable to cases where a change has been made in the programme.

Persons possessed of mining rights may not engage in mining unless in accordance with a regular scheme of operations.

Art. XLIII.—The Chief of the Office for the Control of Mines may point out his reasons and order alterations to be made to schemes of work.

The schemes altered in accordance with the provisions of the preceding paragraph shall not be changed unless the permission of the Chief of the Office for the Control of Mines has been obtained.

Art. XLIV.—Persons having rights of mining shall keep a plan of the interior of the mine and a mining book at their mining offices, as determined by Order; and duplicate copies of the same shall be handed in to the Chief of the Office for the Control of Mines.

Art. XLV.—Persons having rights of mining shall hand in, to the Chief of the Office for the Control of Mines, a statement of particulars relating to their mining operations as determined by Order.

Art. XLVI.—Mining products acquired in the course of prospecting may not be disposed of unless the permission of the Chief of the Office for the Control of Mines has been obtained.

Art. XLVII.—Persons possessed of mining rights, or persons interested, may apply to the Chief of the Office for the Control of Mines for actual investigation to be made in respect to adjacent mining areas belonging to other persons.

Applicants must furnish labour and materials necessary for the investigation mentioned in the preceding paragraph.

CHAPTER III.—EMPLOYMENT OF LAND.

Art. XLVIII.—The expression "persons concerned" in this chapter includes persons possess-

ing rights relative to land which may be employed or acquired prior to the service of the notice mentioned in Articles 50 to 52 and Article 54; also those who have succeeded, subsequent to the service of the notice, to rights which existed prior to the service of such notice.

Art. XLIX.—The expression “compensation” in this chapter includes consideration, land rents, and all other compensation for loss generally accruing to land-owners or persons concerned.

Art. L.—When it is necessary for the purpose of making an application to be allowed to mine, or when it is necessary for mining purposes, persons intending to apply to be allowed to mine, mining applicants, and persons entitled to mining rights, may, upon receiving permission from the Chief of the Office for the Control of Mines, enter upon land belonging to other persons to make surveys and inspections.

When persons who have obtained the permission mentioned in the preceding paragraph intend to enter upon land belonging to others, they shall previously notify the possessors of such land.

Art. LI.—If necessary to the survey or investigation which is to be made according to the provisions of the preceding article, any object forming an obstacle may be removed after obtaining the permission of the Chief of the Office for the Control of Mines.

In case persons who have obtained the permission specified in the preceding paragraph intend to remove any object forming an obstacle, they shall previously notify the owner or possessor thereof.

Art. LII.—If necessary to avert imminent danger relative to mining, persons entitled to mining rights may, upon receiving permission from the Chief of the Office for the Control of Mines, immediately enter upon or use land belonging to other persons.

In the case contemplated in the preceding paragraph, persons entitled to mining rights shall, without delay, notify the possessor of the land.

Art. LIII.—With regard to loss sustained by land-owners or persons concerned in accordance with the preceding three articles, compensation for same must be paid when demanded.

Art. LIV.—Persons entitled to mining rights may use lands belonging to other persons when necessary for the following purposes —

1. Boring, opening shafts or tunnels ;
2. Providing depôts or store-places for ores, earth and stones, explosive compounds, lumber, fire-wood and coals, slag or ashes ;
3. Constructing reducing plants ;
4. Laying or constructing railways, tracks, roads, canals, drains, flumes, ponds, and wells, wire rope-ways or electric wires ;
5. Building and constructing other works or constructions necessary to mining.

When persons entitled to mining rights intend to use land belonging to other persons in accordance with the provisions of the preceding paragraph, the permission of the Chief of the Office for the Control of Mines shall be obtained.

When the Chief of the Office for the Control of Mines has given the permission mentioned in the preceding paragraph, notice to that effect shall be given to the land-owners and persons concerned.

Subsequent to giving the notice mentioned in the preceding paragraph, persons entitled to mining rights shall confer with the land-owners and persons concerned with a view to the acquisition of rights relating to the land.

Art. LV.—When land has been used for a period exceeding three years, or the shape or nature of the land is altered, the owner may demand the purchase of the land.

Art. LVI.—If owing to the purchase of a portion of the land, the remaining portion of the land cannot be employed for the purpose for which it was used in the past, the land-owner may demand the purchase of the whole land.

Art. LVII.—When land is to be employed (hired) or purchased, compensation for same shall be paid to the land-owner and to the person concerned.

Art. LVIII.—If, owing to the employment of a portion of land employed (hired) or purchased, the value of the remaining portion of the land is reduced, or any loss sustained relative to such remaining portion, compensation for same shall be paid.

Art. LIX.—If, owing to the employment of land on lease or purchase, necessity arises to build, rebuild, enlarge or repair, passages, drains, fences and other constructions, compensation shall be paid for same.

Art. LX.—If, subsequent to the service of the notice mentioned in Article LIV, it is intended to change the shape and nature of the land, or to build, rebuild, enlarge, or extensively repair any constructions, or to affix or add any objects, the land-owner or persons concerned shall obtain permission of the Chief of the Office for the Control of Mines. Persons who have done the above acts without obtaining such permission are precluded from demanding compensation relative thereto.

Art. LXI.—Persons entitled to mining rights shall pay compensation in respect of any loss sustained by the land-owner or persons concerned on account of abandonment or alteration of enterprises subsequent to the service of the notice specified in Article LIV.

Art. LXII.—Land-owners and persons concerned may require persons entitled to mining rights to furnish proper security relative to compensation.

Art. LXIII.—When an arrangement has been made, a decision become conclusive, or a judicial judgment rendered regarding the employment or purchase of land, even though a decision relative to the amount of such compensation or security has not become conclusive, a person entitled to a mining right may employ or purchase the land by

depositing (in a Public Deposit Office) compensation, or by furnishing security in accordance with the said decision.

Art. LXIV.—In case a person entitled to a mining right has made neither payment nor deposit of compensation, nor tendered security, land-owners and persons concerned may refuse to permit the employment of land.

Art. LXV.—In case land is employed by purchase, the ownership of the land shall be acquired by the person entitled to the mining right, and other rights over the land shall be extinguished from the time of the employment.

In case of land employed (on lease), the right of employment shall be acquired by the person entitled to the mining right from the time of employment, and the exercise of other rights over the said land shall, with the exception of rights which do not obstruct its use, be suspended during the term of employment.

Art. LXVI.—When the employment of land has ceased, the person entitled to the mining rights shall return the land and restore it to its original state, or pay compensation for any loss arising on account of not restoring it to its original state.

Art. LXVII.—Preferential rights, rights of pledge, or rights of mortgage, may be executed in respect to any compensation payable to a debtor on account of employment or purchase of the matter forming the subject of such right; but attachment must be made before the payment of same.

Art. LXVIII.—The provisions of this chapter are applicable *mutatis mutandis* to rights relative to the use of water.

CHAPTER IV.—MINING POLICE.

Art. LXIX.—Police affairs relating to mining shall be conducted by the Minister of Agriculture and Commerce and the Chief of the Office for the Control of Mines, as determined by Order.

Art. LXX.—When danger is apprehended in respect to mining works, or when they are deemed injurious to public welfare, the Minister of Agriculture and Commerce shall order persons entitled to mining rights to take precautionary measures or to suspend mining operations.

When necessary in order to avert imminent danger, the Chief of the Office for the Control of Mines may take the measures mentioned in the preceding paragraph.

Art. LXXI.—The Chief of the Office for the Control of Mines may order persons entitled to the right of mining to appoint or make a change in the appointment of managers to be in charge of technical matters.

Rules relating to the qualification and functions of managers shall be determined by Order.

Art. LXXII.—Even subsequent to the termination of a mining right, the Minister of Agriculture and Commerce, and the Chief of the Office for the Control of Mines may, within a period of one year from such termination, order a person entitled to such mining right to take precautionary measures against danger in accordance with the provisions of Art. 70.

A person who has received the order mentioned in the preceding paragraph shall be considered to be a person entitled to mining rights so far as the object of taking precautionary measures against danger is concerned.

CHAPTER V.—MINE LABOURERS.

Art. LXXIII.—Persons entitled to rights of mining shall establish regulations relating to the hire and employment of mine labourers, and obtain official permission *re* same from the Chief of the Office for the Control of Mines.

Art. LXXIV.—A person entitled to mining rights shall, in accordance with the terms of Orders in that behalf, provide and keep a Mine Labourers Register at his mining office.

Art. LXXV.—When a person entitled to

mining rights has discharged a mine labourer, he shall, upon demand, give to the labourer a certificate showing the period of his engagement, the class of work in which he has been employed, his ability, his wages, and the cause of his discharge.

Art. LXXVI.—A person entitled to mining rights shall determine two or more than two dates in each month and pay to the mine labourers, in cash, their wages at such specified times.

Art. LXXVII.—The Minister of Agriculture and Commerce may limit the age of mine labourers, working hours, and limit the class of female and child labour.

Art. LXXVIII.—In case a mine labourer has been wounded, fallen ill or died owing to mining operations on account of no gross fault of his own, the person entitled to mining rights shall grant relief to the labourer or his surviving relatives.

CHAPTER VI.—MINING TAXES.

Art. LXXIX.—Mining Taxes will be imposed upon persons entitled to mining rights. No taxes on mining areas will be imposed on persons entitled to the right of prospecting.

With regard to iron ores, no tax on the mining production will be imposed.

Art. LXXX.—With regard to mining, no business tax will be imposed upon persons entitled to mining rights.

Art. LXXXI.—The tax imposed upon mining areas shall be 40 *sen* per year for each and every 1,000 *tsubo* ($\frac{4}{5}$ ths of an acre), and any fraction of 1,000 *tsubo* ($\frac{4}{5}$ ths of an acre) shall be considered as 1,000 *tsubo* ($\frac{4}{5}$ ths of an acre).

Art. LXXXII.—During December in each year, the tax imposed upon mining areas for the following year shall be paid in advance.

With the exception of the case contemplated in Paragraph 1 of Article 33, taxes on mining areas

which become payable or deficient owing to recording the creation or alteration of a right of mining, and which are for the year of the record, shall be paid immediately.

Amount of taxes imposed upon mining areas payable in accordance with the preceding paragraph, will be calculated at the monthly rate. The same is applicable to taxes for the last year of the term of a right of mining.

Art. LXXXIII.—The amount of tax imposed on mining productions shall be one per cent. of the value thereof.

With regard to the value of mining productions, the average price of the principal markets shall be taken as a basis, and the same will be publicly notified by the Minister of Agriculture and Commerce. With regard to productions relative to which public notification is not made, the value will be examined into and determined in each case.

Art. LXXXIV.—Taxes on mining productions for the previous year shall be paid during March in each year, provided, however, that they shall be paid immediately in case of the disposal of mining productions obtained in the course of prospecting and in the case of transfer or extinction of rights of mining.

Art. LXXXV.—Persons jointly entitled to mining rights shall be jointly and severally responsible for the payment of taxes.

Art. LXXXVI.—Tax collectors may inspect and examine documents and objects relative to mining operations.

Art. LXXXVII.—Hokkaido, Urban, and ordinary Prefectures, as well as Cities, Towns and Villages may levy an additional tax on the mining taxes not exceeding fifteen (15) per cent. of the principal tax.

With the exception of the additional tax mentioned in the preceding paragraph, Hokkaido, Urban and ordinary Prefectures, as well as Cities,

Towns and villages, may not levy taxes upon mining operations nor taxes specially based upon mine labourers, mining productions, mining areas, constructions, instruments, or machinery.

The provisions of the two preceding paragraphs are applicable *mutatis mutandis* to "Ku" (administrative divisions), "Magiri," (divisions of a county) and islands in Hokkaido and Okinawa Prefecture, and to those places considered equal to towns or villages.

CHAPTER VIII.—PETITIONS, SUITS AND DECISIONS.

Art. LXXXVIII.—A person dissatisfied with a permission given, or refusal of application made, relative to mining, may lodge a petition, and, if he consider his rights unlawfully injured, may bring an administrative suit.

Art. LXXXIX.—A person who has been refused the consent mentioned in Article 10, or who is unable to obtain such consent, may apply to the Chief of the Office for the Control of Mines for a decision.

A person dissatisfied with the decision mentioned in the preceding paragraph may lodge a petition, and if he consider his rights unlawfully injured, may bring an administrative suit.

Art. XC.—Persons dissatisfied with the cancellation of a mining right may lodge a petition, and if they consider their rights unlawfully injured, they may bring an administrative suit.

Art. XCI.—In case no arrangement has been made, or an arrangement cannot be made as to the employment of land on lease or purchase, compensation, or security, persons entitled to mining rights may apply for the decision of the Chief of the Office for the Control of Mines.

Persons dissatisfied with the decision mentioned in the preceding paragraph may lodge a petition, and, if they consider their rights unlawfully injured, may bring an administrative suit.

Art. XCII.—Neither petition nor administrative

suit in accordance with this law may be brought after the expiration of thirty days from the date of service of the notice of disposition or decision.

With regard to persons who have not received notice of disposition or decision, the term mentioned in the preceding paragraph shall be calculated from the date of public notification.

CHAPTER XIII.—PENAL PROVISIONS.

Art. XCIII.—Persons who have mined minerals without possessing mining rights, or who have obtained mining rights by fraudulent acts, shall be punished by a fine not exceeding *yen* 500.

Persons who, through error or mistake, have mined minerals without possessing mining rights shall be punished by a fine not exceeding *yen* 100.

Art. XCIV.—In the case contemplated in the preceding Article, minerals mined shall be confiscated; and in case they have been either transferred or consumed, the price thereof shall be collected.

Art. XCV.—Persons who have engaged in mining or used land for the purpose of mining contrary to the provisions of Par. 3 of Article 9 and Article 10, or who do not comply with the orders mentioned in Article 70 and Par. 1 of Art. 72, shall be punished by a fine not exceeding *yen* 200.

Art. XCVI.—Persons who have infringed the provisions of Article 42 or Par. 2 of Article 43, or who do not comply with the orders mentioned in Paragraph 1 of Article 43 or par. 1 of Article 71, or who have infringed the provisions of orders issued in accordance with Arts. 77 or 78, shall be punished by a fine not exceeding *yen* 150.

Art. XCVII.—Persons who have infringed the provisions of Arts 44 to 46, 74 and 76, shall be punished by a fine not exceeding *yen* 100.

Art. XCVIII.—Persons who have removed any obstruction without having obtained the permission mentioned in Par. 1 of Article 51, or who

have infringed the provisions of Article 73, shall be punished by a fine not exceeding *yen* 50.

The same penalty shall be imposed on persons who have refused to allow competent officials to inspect writings or objects relative to mining or obstructed such inspection. Should, however, express provisions governing the case exist in the Penal Code, punishment shall be inflicted in accordance with that Code.

Art. XCIX.—Persons who have infringed the provisions of Art. I.XXV. shall be punished by a fine not exceeding *yen* 20.

Art. C.—Persons who have, by fraud or any other dishonest acts, evaded, or attempted to evade, the payment of mining taxes, shall be punished by a fine equal to three times the amount of the taxes thus evaded.

Art. CI.—Acts of the agents of a person entitled to mining rights, of the head or members of his family, persons residing with him, employees, mine-labourers, and of other persons employed by and serving under him, shall be considered as his acts, and the penal provisions of this law shall be applied to him.

The same holds good with regard to the penal provisions of any order which may be issued by virtue of this law, except when any special provisions to the contrary are included in the order.

Art. CII.—In case a person entitled to mining rights, is a juridical person, a minor, or a person interdicted from the management of his property, the penal provisions applicable to him by virtue of this law, or the provisions of any order which may be issued in accordance with this law, shall be applied to the representative of the juridical person or to the legal representatives. Provided, however, that minors who have obtained permission to engage in mining in accordance with Article 6 of the Civil Code shall not come under this rule.

Art. CIII.—With regard to persons who have infringed either the provisions of this law or those

of any order issued by virtue of this law, the provisions aggravating penalties on account of offences, and the provisions governing the case of several offences being committed by the same person, shall be applied.

SUPPLEMENTARY PROVISIONS.

Art. CIV.—This law shall be enforced from the 1st of July of the 35th year of Meiji (1902).

The Mining Regulations are hereby abolished.

Art. CV.—Permission for prospecting given under the Mining Regulations shall be considered as the record of the right of prospecting.

Art. CVI.—Grants of leases given in accordance with the Japanese Mining Law, and mining privileges granted in accordance with the Mining Regulations shall be considered as records of rights of mining. Provided, however, that those privileges which have been granted for a limited time in respect to mining areas containing less than the minimum extent determined by Par. 2 of Art. 41 of the Mining Regulations shall become extinct at the expiration of such limited term.

Art. CVII.—Mining lands belonging to various authorities prior to the enforcement of this law shall be classed as mining areas, and they shall be considered to have been duly recorded on the date of putting this law into operation.

Art. CVIII.—A record of pledge of a right of mining which has been made in accordance with the Mining Regulations shall be considered as a record of a right of mortgage.

Art. CIX.—The provisions of Art. 72 shall be applied in cases where permission for prospecting or mining privileges has become extinct prior to the enforcement of this law; provided that the term of one year will be calculated from the date of extinction of such permission or privilege.

Art. CX.—Persons who have obtained permission of lease according to the Japanese Mining Law, and who have obtained mining privileges according to the Mining Regulations, shall pay

in the balance of the taxes imposed on their mining areas for the 35th year of Meiji (1902) within 60 days from the date of the enforcement of this law, such tax being calculated at the monthly rate.

Art. CXI.—Taxes imposed on mining productions for the 35th year of Meiji (1902) shall be levied on minerals produced previous to the enforcement of this law.

Art. CXII.—The provisions of Article 87 will not be applied to taxes for the 35th year of Meiji (1902).

Art. CXIII.—In case an act to which the penal provisions of the Mining Regulations are applicable has been committed previous to the enforcement of this law, such penal provisions of the Regulations shall be applied even subsequent to the enforcement of this law.

Art. CXIV.—With regard to any disposition, procedure, or other acts made in accordance with the Mining Regulations, they shall be considered as made in accordance with this law if corresponding provisions exist in this law.

Art. CXV.—With regard to the extent of a mining area in respect to which application has been made for prospecting or mining according to the Mining Regulations, the provisions of Par. 2 of Article 41 of the Mining Regulations shall be applied.

Art. CXVI.—In cases where a petition is to be lodged or an administrative suit filed in accordance with this law, relative to a matter in respect to which petition or administrative litigation is permitted in the Mining Regulations, the period thereof shall be determined in accordance with the provisions of those regulations.

DATE DUE

MAR 5 - 1974

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